

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

UNITED STATES OF AMERICA *ex rel.* )  
**ROBERT A. FRY,** )  
   )  
**Plaintiffs,**                             )  
   )  
v.   )      **Civil Action No. 3:03-0842**  
   )      **JUDGE TRAUGER**  
**GUIDANT CORPORATION,**                 )  
its predecessor Cardiac Pacemakers, Inc., )  
a division of Eli Lilly and Company,         )  
**MEDTRONIC, INC., and unknown**         )  
entities and individuals,                 )  
   )  
**Defendants.**                             )  
   )  
**AND**   )  
   )  
**STATE OF TENNESSEE, CALIFORNIA)**  
**And FLORIDA *ex rel.* ROBERT A. FRY,** )  
   )  
**Plaintiffs,**                             )  
   )  
v.   )  
   )  
**GUIDANT CORPORATION,**                 )  
its predecessor Cardiac Pacemakers, Inc., )  
a division of Eli Lilly and Company, and    )  
unknown entities and individuals,         )  
   )  
**Defendants.**                             )

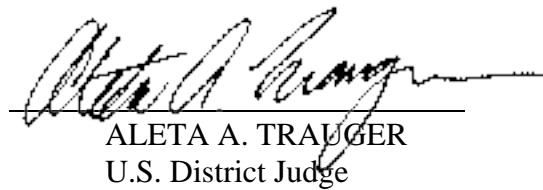
**O R D E R**

For the reasons expressed in the accompanying Memorandum, it is hereby **ORDERED** that  
the Motion to Dismiss filed by defendant Medtronic, Inc. (Docket No. 73) is **GRANTED**, and all

claims against Medtronic are **DISMISSED**. The Motion to Dismiss filed by defendant Guidant Corporation (Docket No. 40) is **DENIED**. The plaintiffs' Motion for Leave to File a Second Amended Complaint (Docket No. 78) is **GRANTED IN PART** and **DENIED IN PART**. It is hereby **ORDERED** that the Second Amended Complaint, as allowed, shall be filed within ten (10) days of the entry of this Order.

It is so **ORDERED**.

Enter this 25<sup>th</sup> day of April 2006.



ALETA A. TRAUGER  
U.S. District Judge